

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: BAYOU HEDGE FUNDS INVESTMENT
LITIGATION

*Broad-Bussel Family LP, et al. v. Bayou Group,
LLC, et al., D. Connecticut, C.A. No. 3:05-1762*

)
) NO. 7:06-md-01755-CM

) **NOTICE OF MOTION TO**
) **DISMISS BY DEFENDANTS**
) **FAUST, RABBACH &**
) **OPPENHEIM, LLP and STEVEN**
) **D. OPPENHEIM**
)
)

PLEASE TAKE NOTICE, defendants, FAUST, RABBACH & OPPENHEIM, LLP and STEPHEN D. OPPENHEIM, by their attorneys Rivkin Radler LLP, will move before the United States District Court, Southern District of New York, the Honorable Colleen McMahon, U.S.D.J., presiding, at the United States District Courthouse, 300 Quarropas Street, Room 533, White Plains, New York 10601-4150, on such day the Court may direct, for an Order, pursuant to Fed. R. Civ. P. 8(a), 9(b) and 12(b)(6) dismissing the complaint in its entirety or, alternatively, each count thereof severally as pled against the moving defendants, and for such further and different relief that to the Court may seem just, proper and equitable.

Grounds for Motion

The moving defendants move to dismiss the Amended Class Action Complaint on the grounds that plaintiffs have not adequately pled any claim for relief against the moving defendants and seek dismissal with prejudice on the grounds that one or more claims do not state a claim for which relief can be granted as a matter of law and, for whatever further relief that seems to the Court just, proper and equitable.

Supporting Papers

This motion is based on the pleadings and papers on file in this action, including the Amended Class Action Complaint, this Notice of Motion, the Declaration of Shari Claire Lewis, dated July 5, 2006 and the exhibits annexed thereto, the accompanying Memorandum of Law and the evidence and argument presented at a hearing of this motion to be scheduled by the Court.

Dated: Uniondale, New York
July 6, 2006

Respectfully submitted,

RIVKIN RADLER LLP
Attorneys for Defendants,
Faust, Rabbach & Oppenheim
and Steven D. Oppenheim

By: 

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